

Rosicki, Rosicki & Associates, P.C.
By: Andrew Morganstern (ACM-7432)
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Counsel for defendant The Bank of New York Mellon Corp.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
STEVEN CRAIG,

Plaintiff,

Docket No.: 10 CV 5706
(SAS)(HBP)
Judge Scheindlin

-against-

ANSWER

THE BANK OF NEW YORK MELLON
CORPORATION F/K/A THE BANK OF NEW YORK,

Defendant.

-----X

THE BANK OF NEW YORK MELLON CORPORATION F/K/A THE BANK OF NEW YORK,

for its answer to the complaint, alleges as follows:

1. Denies all allegations that impugn the validity and propriety of the mortgage, or the defendant's right to foreclose the mortgage and denies knowledge or information as to the remaining allegations. Due to the complaint's lack of paragraph numbers, responses to each paragraph cannot be provided.

FIRST AFFIRMATIVE DEFENSE

2. Each of the claims are barred in whole or in part, because the complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

3. The claims, in whole or in part, fail to state a cause of action against the defendant, since the subject mortgage was acquired by a holder in due course.

THIRD AFFIRMATIVE DEFENSE

4. The complaint fails to comply with FRCP 8, 9, 10, among other rules.

FOURTH AFFIRMATIVE DEFENSE

5. The claims are barred, in whole or in part, based on the doctrines of estoppel, waiver and/or ratification.

FIFTH AFFIRMATIVE DEFENSE

6. The claims are barred by the applicable statutes of limitations.

SIXTH AFFIRMATIVE DEFENSE

7. The claims are barred, in whole or in part, since the borrower participated in the transaction which resulted in the loan being made.

SEVENTH AFFIRMATIVE DEFENSE

8. The claim is barred, in whole or in part, since the plaintiff continues to enjoy the use and occupancy of the premises, without paying any sums for the mortgage, taxes or insurance.

EIGHTH AFFIRMATIVE DEFENSE

9. Any claim, based in whole or in part, upon allegations that are inconsistent with the terms of the note and mortgage, is barred by the Statute of Frauds.

NINTH AFFIRMATIVE DEFENSE

10. There is a related proceeding pending in state court.

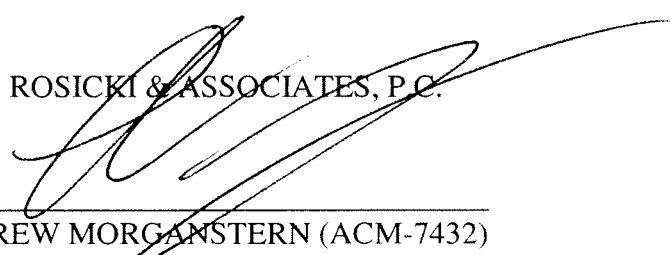
TENTH AFFIRMATIVE DEFENSE

11. Plaintiffs fail to tender the sums they borrowed which precludes them from seeking rescission of the subject mortgage.

WHEREFORE, it is respectfully requested that the Court dismiss the complaint, together with attorney's fees, costs, disbursements and such other and further relief as may be just and proper.

Dated: Plainview, New York
August 30, 2010

ROSICKI, ROSICKI & ASSOCIATES, P.C.



By: ANDREW MORGANSTERN (ACM-7432)
Attorneys for Defendant
51 East Bethpage Road
Plainview, New York 11803
(516) 741-2585 x 121

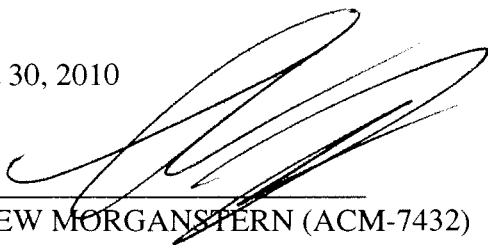
To: Steven Craig,
Plaintiff Pro Se
355 South End Avenue, 27 L
New York, NY 10280

CERTIFICATE OF SERVICE

I Andrew Morganstern, hereby certify that on August 30, 2010, I caused defendant's Answer to be served by first class mail, postage prepaid, addressed as follows:

Steven Craig,
Plaintiff Pro Se
355 South End Avenue, 27 L
New York, NY 10280

Dated: August 30, 2010

A handwritten signature in black ink, appearing to be 'AM', is written over a horizontal line.

ANDREW MORGANSTERN (ACM-7432)

DESIGNATION OF TRIAL COUNSEL AND COUNSEL OF RECORD

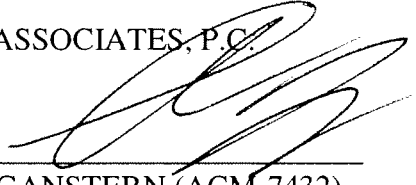
The Court is hereby notified that Andrew Morganstern is designated as trial counsel and counsel of record for Defendant THE BANK OF NEW YORK MELLON CORPORATION F/K/A THE BANK OF NEW YORK,

ROSICKI, ROSICKI & ASSOCIATES, P.C.

Counsel for Defendant

By: _____

ANDREW MORGANSTERN (ACM-7432)

A handwritten signature in black ink, appearing to be 'AM', is written over a horizontal line. The signature is stylized and cursive.

Dated: August 30, 2010

Docket No. 07 Civ 4493

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SOUTHERN DISTRICT OF NEW YORK

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Plaintiff,

-against-

THE BANK OF NEW YORK MELLON
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Defendants.

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ANSWER

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RR&A NO.: 10-082909